

IN THE SPECIFICATION AND DRAWINGS:

Since the Examiner noted inconsistencies in the previously submitted specification, the specification was not entered. The inconsistencies included:

- 1) page 3, underlining was omitted for "absorbent";
- 2) page 6, lines 12 and 13, characterization of the elastic member as between the proximal end and free end of the distal end portion not supported by the original disclosure; and
- 3) page 13, lines 2 and 3, characterization of the elastic member as midway between the proximal end and the distal end portion not supported by the original disclosure.

In order to overcome these problems, the specification has been revised to reflect the original language, and therefore, the substitute specification is now proper for entry.

Since the substitute specification is now proper for entry, the drawings submitted in the separate letter to the draftsperson are also proper for entry.

REMARKS

By this amendment, a substitute specification, new abstract, and corrected drawings are submitted along with amendments to claims 1 and 5 so as to place this application in condition for allowance.

While this amendment is being submitted after a final rejection, entry is believed to be proper since the changes address an issue that has been previously addressed during the prosecution of this application. Moreover, since the amendments are directed at overcoming the rejection under 35 U.S.C. § 112, first paragraph, no further search is required on the part of the Examiner.

Also, in the interest of expediting the allowance of this application, Applicants' attorney requests that the Examiner place a telephone call to resolve any issue that still may exist with the claim language proposed to overcome the rejection based on 35 U.S.C. § 112, first paragraph.

As detailed above, the issues regarding the specification, drawings and abstract have been addressed.

The remaining issue is the rejection based on 35 U.S.C. § 112, first paragraph. In this rejection, the Examiner takes issue with the description of the placement of the elastic member and alleged that the claims were not described in the specification. More particularly, the Examiner objected to the characterization that the elastic member is spaced from the free end and toward the proximal end portion. In response to Applicants' arguments concerning Figures 2 and 3, the Examiner maintained the position that the specification did not provide support for the full scope of the claim.

In response to the rejection, claims 1 and 5 are revised to remove the language "toward the proximal end portion." With this change, the elastic member is now

described in terms of being spaced from the free end of the distal end and the issue now becomes whether the specification as originally filed supports this claim language.

Applicants submit that the specification does, in fact, support the language of revised claims 1 and 5 and the claims are within the purview of 35 U.S.C. § 112, first paragraph. The Examiner quotes the original language of the specification, i.e., the elastic member extends along a zone of the distal end portion. The language that the elastic member is spaced from the free end of the distal end portion is clearly supported by this original language. Since the elastic member is spaced from the free end, it extends along a zone of the distal end portion. This claim language is also supported by Figures 2 and 3, each of which forming part of the original disclosure. The elastic member 10 is clearly illustrated as being spaced from the free end of the distal end portion 6d. Similarly, the elastic member 19 of the second batt structure as shown in Figure 6 and recited in claim 5 is spaced from the free end of the distal end portion 18d. Applicants strenuously assert that the proposed language of claims 1 and 5 is supported by the specification and the rejection based on 35 U.S.C. § 112, first paragraph, should be withdrawn.

By the amendments and arguments made above, each and every issue raised in the outstanding Office Action has been resolved. The changes to the drawing and specification remove all of the objections. The changes to the claims and specification remove the rejection under 35 U.S.C. § 112, first paragraph.

Therefore, the Examiner is respectfully requested to examine this application in light of this amendment, and pass all pending claims 1-8 onto issuance.

If the Examiner believes that an interview with Applicants' attorney would be helpful in expediting prosecution of this application, the Examiner is invited to telephone

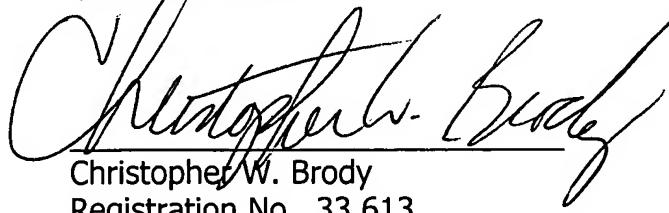
the undersigned at the number set forth below.

The above constitutes a complete response to all issues raised in the Office Action of August 19, 2006.

Again, reconsideration and allowance of this application is respectfully requested.

Please also charge any fee deficiencies or credit any overcharges to deposit account no. 50-1088.

Respectfully submitted,
CLARK & BRODY



Christopher W. Brody
Registration No. 33,613

Customer No. 22902

1090 Vermont Ave. NW, Suite 250
Washington, DC 20005
Telephone: 202-835-1111
Facsimile: 202-835-1755

Docket No.: 12010-0022
Date: August 18, 2006

Attachments:

1. New Abstract
2. Substitute Specification (marked copy)
3. Substitute Specification (clean copy)
4. Submission of Corrected Drawings